

PATENT**REMARKS**

Claims 1-41 are pending in the present application. Applicants respectfully respond to this Office Action.

Claim Rejections – 35 USC § 112

Claims 1-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Independent claims 1, 4, 8, 11, 12 and 25 reference a “set point.” The “set point” is well known in the art, specifically related to power control in wireless communication systems. The power control “set point” is a target signal to interference ratio set by the wireless communication system.

Thus, Applicants submit independent claims 1, 4, 8, 11, 12 and 25 are clear and definite and respectfully request the rejection of independent claims 1, 4, 8, 11, 12 and 25 be withdrawn.

Claim Rejections – 35 USC § 102

Claims 1, 2, 4, 6, 7, 8, 9, 12, 13, 14, 19, 20, 23, and 25-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Olofsson et al. (US Patent 6,167,031). For anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (MPEP 706.02).

Applicant respectfully submits that Claims 1, 2, 4, 6, 7, 8, 9, 12, 13, 14, 19, 20, 23, and 25-32 are not anticipated by Olofsson for the reasons and explanations set out below, and Applicants respectfully request reconsideration of Examiners rejection.

With respect to claim 1, Applicant's respectfully submit that claim 1 is not anticipated by Olofsson. In particular Olofsson fails to anticipate the following elements of claim 1:

- selecting a power controlled forward link signal;
- calculating a forward link power control set point from the bit error rate and the variance.

Olofsson discloses “[a] communication system that supports multiple modulation and channel coding schemes selects an optimum RF link by measuring link quality parameters, such as C/I ratio.” In addition, Olofsson, discloses “[b]ased on the characterization of the RF link, user quality values, such as data throughput and speech quality values, are estimated. The

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communication system selects the RF link that provides the best user quality value.” (Olofsson et al., Abstract)

In contrast, the limitations of claim 1 of selecting a power controlled forward link signal and calculating a forward link power control set point from the bit error rate and the variance is not directly taught or inherently present in Olofsson. Nowhere in Olofsson is selecting a power controlled forward link signal and calculating a forward link power control set point from bit error and variance taught. Therefore, Applicants submit that claim 1 is not anticipated by Olofsson, and claim 1 is in a condition for allowance. Since claims 2-3 depend from claim 1 it follows that claims 2-3 are also in a condition for allowance.

With respect to claim 4, Applicant's respectfully submit that claim 4 is not anticipated by Olofsson for the reasons and explanations set forth with respect to claim 1. Thus, Applicants submit claim 4 is in a condition for allowance. Since claims 5-7 depend from claim 4 it follows that claims 5-7 are also in a condition for allowance.

With respect to claim 8, Applicant's respectfully submit that claim 8 is not anticipated by Olofsson for the reasons and explanations set forth with respect to claim 1. Thus, Applicants submit claim 8 is in a condition for allowance. Since claims 9-10 depend from claim 8 it follows that claims 9-10 are also in a condition for allowance.

With respect to claim 11, Applicant's respectfully submit that claim 11 is not anticipated by Olofsson for the reasons and explanations set forth with respect to claim 1. Thus, Applicants submit claim 11 is in a condition for allowance.

With respect to claim 12, Applicant's respectfully submit that claim 12 is not anticipated by Olofsson for the reasons and explanations set forth with respect to claim 1. Thus, Applicants submit claim 12 is in a condition for allowance. Since claims 13-24 depend from claim 12 it follows that claims 13-24 are also in a condition for allowance.

With respect to claim 25, Applicant's respectfully submit that claim 25 is not anticipated by Olofsson for the reasons and explanations set forth with respect to claim 1. Thus, Applicants submit claim 25 is in a condition for allowance. Since claims 26-41 depend from claim 25 it follows that claims 26-41 are also in a condition for allowance.

PATENT**Specification**

Applicant provides herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

The changes made are primarily typographical or grammatical in nature, or involve minor clarifications of awkward wordings.

Applicant believes these changes add no new matter to the application and are fully supported by the original disclosure.

PATENT**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: January 31, 2005

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